

## REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1 through 4, 6, 8 through 16, and 18 are pending, with Claims 1, 13, 15, 16, and 18 being independent. Claims 5, 7, and 17 have been cancelled without prejudice. All pending claims have been amended.

Claims 15 and 16 again were rejected under 35 U.S.C. § 101 as being non-statutory. All rejections are respectfully traversed, and are submitted to have been obviated by the amendment of the claims in a manner earnestly believed to avoid the grounds of rejection, viz, both claims recite a computer readable disk or storage device, which is *per se* statutory. Applicant respectfully submits that the claims are limited to a practical application in the technological arts, and that the claimed invention is not a natural phenomenon, abstract idea, law of nature, “descriptive material”, or “mere manipulation of abstract ideas”. MPEP 2106.

Claims 1, 4 through 7, 12 through 13, and 15 through 18 were rejected under 35 U.S.C. § 102(b) over newly-cited US 2003/0026592 A1 (Kawahara, et al.). Claims 2, 3, and 14 were rejected under 35 U.S.C. § 103 over Kawahara, et al. in view of Official Notice. Claims 8 through 11 were rejected under 35 U.S.C. § 103 over Kawahara, et al. in view of previously-cited US 5,801,685 (Miller, et al.). All rejections are respectfully traversed.

Claims 1, 13, 15, 16, and 18 variously recite, *inter alia*, generating a dependent media item dependent upon the track control attributes (that are *independent of time*) and another dependent media item.

However, Applicant respectfully submits that none of Kawahara, et al., Official Notice, and Miller, et al., even in the proposed combinations, assuming, *arguendo*, that such could be combined, discloses or suggests at least the above-discussed claimed features as recited,

*inter alia*, in Claims 1, 13, 15, 16, and 18. The Official Action states at page 4 that Kawahara, et al.'s timecodes [0114] are the claimed track control attributes. However, Applicant respectfully submits that such cannot be deemed to be the track control attributes that are *independent of time*, as claimed. Further, the taking of Official Notice is respectfully traversed in the absence of a cited reference. MPEP 2144.03.

Applicant further respectfully submits that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at such features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

#### REQUEST FOR ENTRY OF AMENDMENT

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. Furthermore, Applicant respectfully submits that a full appreciation of these amendments will not require undue time or effort given the Examiner's familiarity with this application. Moreover, this Amendment was not earlier presented because Applicant earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 C.F.R. § 1.116 is respectfully requested.

## CONCLUSION

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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